

110TH CONGRESS
2D SESSION

S. 3502

To provide for the establishment of a task force to address the environmental health and safety risks posed to children, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 16, 2008

Mrs. CLINTON introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To provide for the establishment of a task force to address the environmental health and safety risks posed to children, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Children’s Environ-
5 mental Health and Safety Risk Reduction Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) a growing body of scientific knowledge dem-
9 onstrates that children may suffer disproportionately
10 from environmental health risks and safety risks;

1 (2) those risks arise because—

2 (A) the neurological, immunological, diges-
3 tive, and other bodily systems of children are
4 still developing;

5 (B) children eat more food, drink more
6 fluids, and breathe more air in proportion to
7 their body weight than adults;

8 (C) the size and weight of children may di-
9 minish their protection from standard safety
10 features; and

11 (D) the behavior patterns of children may
12 make children more susceptible to accidents be-
13 cause children are less able to protect them-
14 selves; and

15 (3) each Federal agency, to the extent per-
16 mitted by law and appropriate, and consistent with
17 the mission of each Federal agency, should—

18 (A) place a high priority on the identifica-
19 tion and assessment of environmental health
20 risks and safety risks that may disproportion-
21 ately affect children;

22 (B) ensure that the policies, programs, ac-
23 tivities, and standards of the Federal agency
24 address disproportionate risks to children that

1 result from environmental health risks or safety
2 risks; and

3 (C) participate in the implementation of,
4 and comply with, this Act.

5 **SEC. 3. DEFINITIONS.**

6 In this Act:

7 (1) COVERED REGULATORY ACTION.—The term
8 “covered regulatory action” means any substantive
9 action in a rulemaking that is initiated after the
10 date of enactment of this Act or for which a notice
11 of proposed rulemaking is published not later than
12 1 year after the date of enactment of this Act, that
13 is likely to result in a regulation that may concern
14 an environmental health risk or safety risk that an
15 agency has reason to believe may disproportionately
16 affect children.

17 (2) DIRECTOR.—The term “Director” means
18 the Director of the Office of Management and Budg-
19 et.

20 (3) ENVIRONMENTAL HEALTH AND SAFETY
21 RISK.—

22 (A) IN GENERAL.—The term “environ-
23 mental health and safety risk” means a risk to
24 the health or safety of a child that is posed by

1 or otherwise attributable to a product or sub-
2 stance—

- 3 (i) that the child is likely to ingest; or
4 (ii) to which the child may otherwise
5 be exposed.

6 (B) INCLUSIONS.—The term “environ-
7 mental health and safety risk” includes a risk
8 that is posed by or otherwise attributable to—

- 9 (i) air that is inhaled by, or that oth-
10 erwise comes into contact with, a child;
11 (ii) food;
12 (iii) water used by a child for drinking
13 or recreation;
14 (iv) soil; and
15 (v) any product used by a child or
16 with which a child has contact.

17 (4) FEDERAL AGENCY.—

18 (A) IN GENERAL.—The term “Federal
19 agency” means any agency or authority of the
20 United States that is considered to be an agen-
21 cy under section 3502(1) of title 44, United
22 States Code.

23 (B) EXCLUSIONS.—The term “Federal
24 agency” does not include—

1 (i) any independent regulatory agency
 2 described in section 3502(5) of title 44,
 3 United States Code (other than the Con-
 4 sumer Product Safety Commission); or

5 (ii) any military department (as de-
 6 fined in section 102 of title 5, United
 7 States Code).

8 (5) FORUM.—The term “Forum” means the
 9 Forum on Child and Family Statistics convened
 10 under section 6(a).

11 (6) TASK FORCE.—The term “Task Force”
 12 means the Task Force on Environmental Health and
 13 Safety Risks to Children established by section 4(a).

14 **SEC. 4. TASK FORCE ON ENVIRONMENTAL HEALTH RISKS**
 15 **AND SAFETY RISKS TO CHILDREN.**

16 (a) ESTABLISHMENT.—There is established in the
 17 Executive branch a task force to be known as the “Task
 18 Force on Environmental Health and Safety Risks to Chil-
 19 dren”.

20 (b) AUTHORITY.—The Task Force shall report to the
 21 President, in consultation with—

22 (1) the Domestic Policy Council;

23 (2) the National Science and Technology Coun-
 24 cil;

25 (3) the Council on Environmental Quality; and

1 (4) the Office of Management and Budget.

2 (c) MEMBERSHIP.—The Task Force shall be com-
3 posed of—

4 (1) the Secretary of Health and Human Serv-
5 ices, who shall serve as Co-Chairperson of the Task
6 Force;

7 (2) the Administrator of the Environmental
8 Protection Agency, who shall serve as a Co-Chair-
9 person of the Task Force;

10 (3) the Secretary of Education;

11 (4) the Secretary of Labor;

12 (5) the Attorney General;

13 (6) the Secretary of Energy;

14 (7) the Secretary of Housing and Urban Devel-
15 opment;

16 (8) the Secretary of Agriculture;

17 (9) the Secretary of Transportation;

18 (10) the Secretary of Homeland Security;

19 (11) the Director;

20 (12) the Chairperson of the Council on Envi-
21 ronmental Quality;

22 (13) the Chairperson of the Consumer Product
23 Safety Commission;

24 (14) the Assistant to the President for Eco-
25 nomic Policy;

1 (15) the Assistant to the President for Domes-
2 tic Policy;

3 (16) the Assistant to the President for, and Di-
4 rector of the Office of, Science and Technology Pol-
5 icy;

6 (17) the Chairperson of the Council of Eco-
7 nomic Advisers; and

8 (18) such other officials of Executive depart-
9 ments and agencies as the President may, from time
10 to time, designate.

11 (d) DELEGATION.—A member of the Task Force may
12 delegate the responsibilities of the member under this Act
13 to 1 or more subordinates.

14 (e) DUTIES.—The Task Force shall, after providing
15 notice and an opportunity for public participation and
16 comment—

17 (1) recommend to the President Federal strate-
18 gies for children’s environmental health and safety,
19 including—

20 (A) statements of principles, general pol-
21 icy, and targeted annual priorities to guide the
22 Federal approach to achieving the goals of this
23 Act;

24 (B) a coordinated research agenda for the
25 Federal Government, including steps to imple-

1 ment the review of research databases described
2 in paragraph (2)(A);

3 (C) recommendations for appropriate part-
4 nerships among the Federal Government, State,
5 local, and tribal governments, and the private,
6 academic, and nonprofit sectors;

7 (D) proposals to enhance public outreach
8 and communication to assist families in evalu-
9 ating risks to children and in making informed
10 consumer choices;

11 (E) an identification of high-priority initia-
12 tives that the Federal Government has under-
13 taken or will undertake in advancing the protec-
14 tion of children's environmental health and
15 safety; and

16 (F) a statement regarding the desirability
17 of new legislation to fulfill or promote the pur-
18 poses of this Act;

19 (2) not later than 180 days after the date of
20 enactment of this Act, develop or direct to be devel-
21 oped—

22 (A) a review of existing and planned data
23 resources; and

1 (B) a proposed plan, which shall be re-
2 viewed by the National Science and Technology
3 Council—

4 (i) for use in ensuring that research-
5 ers and Federal research agencies have ac-
6 cess to information on all research con-
7 ducted or funded by the Federal Govern-
8 ment that relates to adverse health risks in
9 children resulting from exposure to envi-
10 ronmental health and safety risks; and

11 (ii) that—

12 (I) promotes the sharing of infor-
13 mation on academic and private re-
14 search; and

15 (II) includes recommendations to
16 encourage that such data, to the ex-
17 tent permitted by law, is available to
18 the public, the scientific and academic
19 communities, and all Federal agen-
20 cies; and

21 (3) submit to Congress and the President, make
22 available to the public, and provide to the Office of
23 Science and Technology Policy and the National
24 Science and Technology Council for use in estab-
25 lishing research priorities, a biennial report on re-

1 search, data, or other information that would en-
2 hance understanding and analysis of, and response
3 to, environmental health and safety risks, including
4 a description provided by Federal agencies and other
5 agencies identified by the Task Force of key data
6 needs relating to environmental health and safety
7 risks that have arisen in the course of carrying out
8 projects and activities of the agencies.

9 **SEC. 5. FEDERAL AGENCY ENVIRONMENTAL HEALTH AND**
10 **SAFETY RISK RULEMAKING.**

11 (a) IN GENERAL.—Unless otherwise prohibited by
12 law, for each covered regulatory action submitted to the
13 Office of Management and Budget for review, the issuing
14 Federal agency shall provide to that Office, as developed
15 during the decisionmaking process of the issuing Federal
16 agency—

17 (1) an evaluation of the environmental health
18 and safety effects of the planned regulation; and

19 (2) an explanation of why the planned regula-
20 tion is preferable to other potentially effective and
21 reasonably feasible alternatives considered by the
22 issuing Federal agency.

23 (b) EMERGENCY SITUATIONS.—In an emergency sit-
24 uation, or if an issuing Federal agency is required to act
25 more quickly than normal review procedures permit, the

1 issuing Federal agency shall comply with this section to
2 the maximum extent practicable.

3 (c) MANDATORY DEADLINES.—For a regulatory ac-
4 tion that is covered by a court-imposed or statutory dead-
5 line, the issuing Federal agency shall, to the maximum
6 extent practicable, schedule any rulemaking proceedings
7 so as to permit sufficient time for compliance with this
8 section.

9 (d) FORM AND AVAILABILITY OF ANALYSIS.—The
10 analysis required by this section—

11 (1) may be included as part of any other re-
12 quired analysis; and

13 (2) shall be made part of the administrative
14 record for the applicable regulatory action or other-
15 wise made available to the public, to the extent per-
16 mitted by law.

17 **SEC. 6. INTERAGENCY FORUM ON CHILD AND FAMILY STA-**
18 **TISTICS.**

19 (a) IN GENERAL.—The Director shall convene an
20 interagency forum, to be known as the “Forum on Child
21 and Family Statistics”, that includes representatives from
22 the appropriate Federal statistics and research agencies.

23 (b) RESPONSIBILITIES.—The Forum shall—

24 (1) not later than 1 year after the date of en-
25 actment of this Act, and annually thereafter, publish

1 and submit in accordance with subsection (c) an an-
2 nual report using the most recent available data that
3 describes the most important indicators of the well-
4 being of the children of the United States;

5 (2) determine the indicators to be included in
6 each such report, including an identification of the
7 sources of data to be used for each indicator;

8 (3) provide an ongoing review of Federal collec-
9 tion and dissemination of data on children and fami-
10 lies; and

11 (4) make recommendations to improve the cov-
12 erage and coordination of data collection and to re-
13 duce duplication and overlap.

14 (c) PUBLICATION AND SUBMISSION.—Each report
15 under subsection (b) shall be—

16 (1) published by the Forum in collaboration
17 with the National Institute of Child Health and
18 Human Development; and

19 (2) submitted to the President (through the Di-
20 rector) and Congress.

21 **SEC. 7. ADMINISTRATION.**

22 (a) IN GENERAL.—This Act applies only to the Exec-
23 utive branch.

24 (b) EFFECT OF ACT.—This Act does not create or
25 establish any substantive or procedural right, benefit, or

1 trust responsibility, enforceable at law or equity, by a
2 party against the United States (including any agency, of-
3 ficer, or employee of the United States).

4 (c) JUDICIAL REVIEW.—This Act does not create or
5 establish any right to judicial review involving the compli-
6 ance or noncompliance with this Act by—

7 (1) the United States (including any agency, of-
8 ficer, or employee of the United States); or

9 (2) any other person.

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